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OCT 06 2006

PATENT APPLICATION
Docket No. 2295-3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/728,647 Filing date: December 5, 2003

Name of Patentee: Randall Eric Swanson, et al.

Title of Invention: WALL PATCH

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attention: Supervisory Patent Examiner, Unit 1771

PETITION FOR CORRECTION OF INVENTORSHIP OF PATENT
(37 C.F.R. § 1.324)

1. This is a petition for correction of error in a

☐ misjoinder
☒ nonjoinder

of inventor(s) in the above issued patent. It is respectfully requested that the PTO issue a certificate correcting the error.

2. Enclosed herewith is (37 C.F.R. § 1.324(b)):

- A. ☒ a statement from each person who is being added as an inventor and/or
☐ a statement from each person who is being deleted as an inventor that the inventorship error occurred without any deceptive intention on his or her part.

- B. A statement from the current named inventors who have not submitted a statement under A. above:

☒ agreeing to the change of inventorship

3. ☒ Also enclosed is the written consent of the assignee.

10/12/2006 EFLORES 00000031 131703 10728647

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Docket No. 2295-3

Page 1 of 2

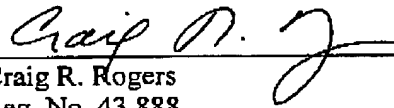
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4. The fee required (37 C.F.R. § 1.20(b)-\$130.00) is paid as follows:

☒ to Credit card as shown on the attached credit card information authorization form PTO-2038.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.


Craig R. Rogers
Reg. No. 43,888

MARGER JOHNSON & McCOLLOM
210 SW Morrison Street, Suite 400
Portland, OR 97204
(503) 222-3613

Customer No. 20575

The PTO did not receive the following
listed item(s) No PTO-2038

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STATEMENT AGREEING TO CHANGE OF INVENTORSHIP IN PATENT BY
CORRECTLY NAMED INVENTORS
(37 C.F.R. § 1.324(b)(2))

I, an inventor signing below and who is correctly named in the above identified patent, make the following statement in support of the petition to correct the inventorship of this patent:

- ☒ I agree to the change of inventorship of this patent.
- ☐ I have no disagreement in regard to the requested change of inventorship of this patent.

Dated: 10-7-2006


Randall Eric Swanson

Dated: OCT 4 - 2006


Jerry Brower

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Docket No. 2295-3

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Serial No.: 10/728,647 Filing date: December 5, 2003
Name of Patentec: Randall Eric Swanson, et al.
Title of Invention: WALL PATCH

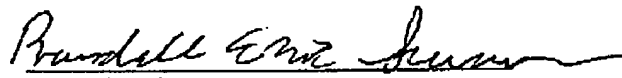
Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attention: Supervisory Patent Examiner, Unit 1771

STATEMENT OF NON-DECEPTIVE INTENT BY PERSON BEING ADDED BY
PETITION TO CHANGE INVENTORSHIP IN PATENT
(37 C.F.R. § 1.324(b)(1))

I, the person who is being added as an inventor by the petition being submitted to correct the inventorship of this patent do hereby declare that the inventorship error in failing to include my name as an inventor on this patent occurred without any deceptive intention on my part.

Dated: 10-7-2006


Randall Eric Swanson

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PATENT APPLICATION
Docket No. 2295-3

COMBINED DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **WALL PATCH**, the specification of which:

☐ is attached hereto.
☒ was filed on December 5, 2003 as Application No. 10/728,647
☐ and was amended on _____ (if applicable)
☐ with amendments through _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, Sec. 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Sec. 119 (a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Claiming
Priority?

(Number)

(Country)

(Day/Month/Year Filed)

☐ ☐
Yes No

I hereby claim the benefit under Title 35, United States Code, Sec. 119(e) of any United States provisional application listed below:

Provisional Application No.

Filing Date

60/170,477

December 13, 1999

I hereby claim the benefit under Title 35, United States Code, Sec. 120 or §365(c) of any PCT international application designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the

prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Sec. 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Sec. 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>10/728,647</u>	<u>December 5, 2003</u>	<u>Pending</u>
(Application No.)	(Filing Date)	(Status) (patented, pending, abandoned)

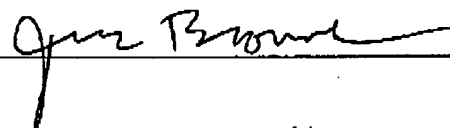
I hereby appoint the attorneys or agents associated with **Customer No. 20575** to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with the above application.

Direct all telephone calls to Craig R. Rogers at (503) 222-3613 and send all correspondence to the following address associated with **Customer No. 20575**:

MARGER JOHNSON & McCOLLOM, P.C.
210 S.W. Morrison Street, Suite 400
Portland, Oregon 97204

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: Jerry Brower

Inventor's signature: 

Oct 4-2006
(Date)

Residence: Vancouver, Washington

Citizenship: U.S.

Post Office address: 6401 NW Lincoln Avenue
Vancouver, Washington 98663

Full name of second joint inventor: Randall Eric Swanson

Inventor's signature: *Randall Eric Swanson* 10-7-2006
(Date)

Residence: Camas, Washington

Citizenship: U.S.

Post Office address: 3228 NW Pacific Rim Drive
Camas, Washington 98607

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PATENT APPLICATION
Attorney's Do. No. 2295-3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Assignment Recordation Services
Director of the U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Please record the attached original document or copy thereof and return the recorded instrument to the undersigned.

1. Name of party(ies) conveying an interest: (1) Randall Eric Swanson

2. Name and address of party(ies) receiving an interest: JERRY BROWER
6401 NW Lincoln Avenue
Vancouver, Washington 98663

3. Description of the interest conveyed:

☒ Assignment ☐ Change of Name ☐ Security Agreement ☐ Merger ☐ Other

Date of execution of attached document: October 4, 2006

4. Application number(s) or patent number(s). Additional sheet attached? Yes ___ No X

A. Patent Application No. 10/728,647

5. Name and address of party to whom correspondence concerning document should be mailed:

MARGER JOHNSON & McCOLLOM, P.C.
210 S.W. Morrison Street, Suite 400
Portland, Oregon 97204
Telephone: (503) 222-3613

6. Number of applications and patents involved: 1

7. PTO Form 2038 authorizing credit card payment (\$40) is enclosed.


8. Any deficiency or overpayment should be charged or credited to deposit account number 13-1703.

9. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Dated: October 6, 2006

Respectfully submitted,

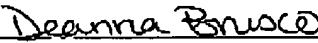
MARGER JOHNSON & McCOLLOM, P.C.


Craig R. Rogers, Reg. No. 43,888

MARGER JOHNSON & McCOLLOM, P.C.
210 SW Morrison Street, Suite 400
Portland, OR 97204
(503) 222-3613

Total number of pages comprising
cover sheet and attached assignment: 4

I hereby certify that this correspondence
is being deposited with the United States
Postal Service as first class mail in an
envelope addressed to: Commissioner for
Patents, P.O. Box 1450, Alexandria, VA
22313-1450

Date: October 6, 2006

Deanna Brusco

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PATENT APPLICATION
Attorney's Do. No. 2295-3

ASSIGNMENT

Assignor: Randall Eric Swanson
Address: 3228 NW Pacific Rim Drive
Camas, Washington 98607

Assignee: Jerry Brower
Address: 6401 NW Lincoln Avenue
Vancouver, Washington 98663

**Title of
Invention:** WALL PATCH

U.S. Patent Application:

Application Serial No.: 10/728,647
Filing Date: December 5, 2003

For good and valuable consideration, the receipt of which is hereby acknowledged, the above-named Assignor hereby sells, assigns and transfers to Assignee, the full and exclusive right, title and interest in and to the above-identified invention, patent application and patent rights throughout the world, including foreign patent priority rights; said invention, application and letters patent in this or any foreign country, and all divisions, continuations, reissues, non-provisionals and extensions thereof, to be held and enjoyed by Assignee, for its own use and benefit, and for its successors and assigns to the full end of the term for which letters patent may be granted in this or any foreign country, as fully and entirely as the same would have been held by Assignor had this assignment and sale not been made, and covenant that Assignor has full right so to do, and agree that Assignor will communicate to Assignee, or its successors and assigns, any facts known to Assignor respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, non-provisional and reissue applications, make all rightful oaths, and do everything possible to aid Assignee, its successors and assigns to obtain and enforce proper patent protection for said invention in this or any foreign country.

In the event that the patent application filing date or serial number is not known at the time this document is executed, Assignor hereby grants permission to the attorneys of record in the patent application to fill in the filing date and/or serial number above, and to record this assignment after such information is added.

Executed at Vancouver, WA, this 4th day of

OCT, 2006.

Randall Eric Swanson
Randall Eric Swanson
Assignor

STATE OF Washington)
County of Clark) ss.

Before me this 4 day of October, 2006, personally appeared the above-named individual, to me known to be the person who is described in and who executed the foregoing assignment instrument and acknowledged to me that he executed the same of his own free will for the purpose therein expressed.

Heather Lien
Notary Public for Vancouver, WA
My commission expires: April 29, 2009

[SEAL]

